



General Assembly

January Session, 2013

***Raised Bill No. 907***

LCO No. 3211



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING ADDITIONAL REQUIREMENTS FOR AN  
EMPLOYER'S NOTICE TO DISPUTE CERTAIN CARE DEEMED  
REASONABLE FOR AN EMPLOYEE UNDER THE WORKERS'  
COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2013*) (a) No employer or an  
2       employer's insurer shall discontinue, reduce or deny a course of  
3       treatment which a physician or surgeon deems reasonable or necessary  
4       unless the employer notifies the commissioner, physician or surgeon  
5       and the employee of the proposed discontinuance, reduction or denial  
6       of the course of medical care and the commissioner approves such  
7       discontinuance, reduction or denial of such care in writing. Such notice  
8       shall specify the reason maintained by the employer or the employer's  
9       insurer that the course of medical care deemed reasonable by the  
10      physician or surgeon is not reasonable and be in substantially the  
11      following form:

12      IMPORTANT

13      STATE OF CONNECTICUT WORKERS' COMPENSATION  
14      COMMISSION

15 YOU ARE HEREBY NOTIFIED THAT THE EMPLOYER OR  
16 INSURER INTENDS TO DISCONTINUE, REDUCE OR DENY  
17 TREATMENT .... (date) FOR THE FOLLOWING REASONS:

18 If you object to the discontinuance, reduction, or denial of treatment  
19 as stated in this notice, YOU MUST REQUEST A HEARING NOT  
20 LATER THAN 15 DAYS after your receipt of this notice, or this notice  
21 will automatically be approved.

22 To request an Informal Hearing, call the Workers' Compensation  
23 Commission District Office in which your case is pending.

24 Be prepared to provide medical and other documentation to  
25 support your objection. For your protection, note the date when you  
26 received this notice.

27 (b) No discontinuance or reduction of an ongoing course of  
28 treatment shall be effective unless approved in writing by the  
29 commissioner upon a determination that the proposed care is not  
30 reasonable. The parties may request a hearing on any such proposed  
31 discontinuance, reduction or denial not later than fifteen days after  
32 receipt of such notice. Such notice of intention to discontinue, reduce  
33 or deny medical treatment shall be issued not later than five days after  
34 a notice of need for treatment is received by the employer, employer's  
35 insurer, employer's claim administrator or Second Injury Fund. The  
36 commissioner shall not approve such discontinuance, reduction or  
37 denial prior to expiration of the period for requesting a hearing or the  
38 completion of the hearing, whichever is later. Either party may request  
39 a formal hearing on the commissioner's decision to grant or deny the  
40 discontinuance, reduction or denial. The employer shall have the  
41 burden of proof that the medical care or treatment is unreasonable.

42 (c) The notice required in subsection (a) of this section shall include  
43 an opinion from a physician or surgeon licensed to practice medicine  
44 in this state that the course of treatment recommended by the  
45 attending physician or surgeon is not reasonable or necessary and the

46 basis for such opinion. If the employer intends to rely on the opinion of  
 47 a physician or surgeon who performs an examination pursuant to  
 48 section 31-294f of the general statutes, and such examination has not  
 49 yet taken place, then the name of the physician or surgeon, date, time  
 50 and location of the examination, which shall be held not more than two  
 51 weeks after the employee's receipt of the notice, shall be attached to the  
 52 notice in lieu of an opinion that the treatment is not reasonable or  
 53 necessary. The treatment recommended by the attending physician or  
 54 surgeon may not be discontinued, reduced or denied until the results  
 55 of the examination pursuant to section 31-294f of the general statutes is  
 56 considered at an informal hearing.

57 (d) If the employer or employer's insurer seeks to discontinue,  
 58 reduce or deny the course of medical care found reasonable by a  
 59 physician or surgeon based upon a dispute between physicians or  
 60 surgeons not as to the reasonableness of the course of care, but as to  
 61 the better course of care, the patient shall be entitled to choose the  
 62 course of care after informed consent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	New section

**Statement of Purpose:**

To prevent an employer or employer's insurer from discontinuing, reducing or denying the employee's course of treatment under the Workers' Compensation Act unless the employer provides notice and an opinion from another physician or surgeon that such treatment is not reasonable or necessary.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*